

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HERMAN TAMRAT,  
Plaintiff,

v.

ERICK RHODES, et al.,  
Defendants.

Case No. [20-cv-01323-PJH](#)

**ORDER DENYING MOTION TO  
APPOINT COUNSEL; GRANTING  
EXTENSION**

Re: Dkt. Nos. 38, 41

This is a civil rights case brought pro se by a prisoner. Plaintiff has filed a motion to appoint counsel. There is no constitutional right to counsel in a civil case, *Lassiter v. Dep't of Social Services*, 452 U.S. 18, 25 (1981), and although district courts may "request" that counsel represent a litigant who is proceeding in forma pauperis, as plaintiff is here, see 28 U.S.C. § 1915(e)(1), that does not give the courts the power to make "coercive appointments of counsel." *Mallard v. United States Dist. Court*, 490 U.S. 296, 310 (1989).

The Ninth Circuit has held that a district court may ask counsel to represent an indigent litigant only in "exceptional circumstances," the determination of which requires an evaluation of both (1) the likelihood of success on the merits and (2) the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). Plaintiff has presented his claims adequately, and the issues are not complex. Therefore, the motion to appoint counsel (Docket No. 38) is **DENIED**.

GOOD CAUSE APPEARING, it is hereby ordered that defendants' request for an extension of time (Docket No. 41) is **GRANTED** and defendants may file a dispositive

1 motion by **August 18, 2021**.

2 **IT IS SO ORDERED.**

3 Dated: May 13, 2021

4  
5 /s/ Phyllis J. Hamilton

6 PHYLLIS J. HAMILTON  
7 United States District Judge  
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